UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

SHANE ROGERS,)	
)	
Petitioner,)	
)	
V.)	1:06-cv-53
)	Collier/Lee
STATE OF TENNESSEE; BRADLEY)	
COUNTY TENNESSEE; WARDEN)	
TONY HOWERTON,)	
)	
Respondents.)	

MEMORANDUM

Petitioner Shane Rogers ("Rogers") has filed an application for a *writ of habeas corpus* pursuant to 28 U.S.C. § 2241. Rogers is currently incarcerated in Augusta State Medical Prison in Grovetown, Georgia. Rogers contends his confinement is illegal because the sole authority by which he is being incarcerated is a detainer that was lodged against him by Bradley County, Tennessee.

Rogers has filed a motion to proceed *in forma pauperis* (Court File No. 1). The Court concludes the motion to proceed *in forma pauperis* will be **GRANTED** (Court File No. 1).

Rogers has brought this § 2241 petition in the district wherein the retainer was issued rather than in the district wherein the restraint complained of is had. Claims attacking the execution of the sentence under §2241 must be brought in the district in which the petitioner is incarcerated. *In re Hanserd*, 123 F.3d 922, 925 n.2 (6th Cir. 1997); *Wright v. United States Board of Parole*, 557 F.2d 74, 77 (6th Cir. 1977). Petitioner has erroneously filed this § 2241 petition in the Eastern District of Tennessee. This Court lacks jurisdiction over this § 2241 petition because habeas corpus power of federal courts over prisoners in federal custody is limited pursuant to 28 U.S.C. § 2241 to those

district courts within whose territorial jurisdiction the custodian is located. Braden v. 30th Judicial

Circuit Court, 410 U.S. 484, 495 (1973); Wright v. United States Board of Parole, 557 F.2d at 77.

A § 2241 habeas corpus petition is required to be filed in the federal district court having

jurisdiction over the custodian. Hanserd at 925 n.2; Sanchez v. Federal Bureau of Prisons, 966 F.2d

1454 (Table, text at 1992 WL 133033 *1 (6th Cir. June 12, 1992)). Rogers is currently incarcerated

at Augusta State Medical Prison in Grovetown, Georgia. He was incarcerated at Augusta State

Medical Prison in Grovetown, Georgia on January 30, 2006, when he filed this petition. Neither

petitioner Rogers or his custodian are located within the Eastern District of Tennessee. Both are

outside the territorial jurisdiction of this Court. Therefore, this Court does not have jurisdiction over

a § 2241 petition. Accordingly, Rogers's § 2241 petition will be **DISMISSED**.

Accordingly, the Court will ORDER Rogers's petition for writ of habeas corpus filed

pursuant to 28 U.S.C. § 2241 will be **DISMISSED** (Court File No. 3).

Is/

CURTIS L. COLLIER

CHIEF UNITED STATES DISTRICT JUDGE